

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

**SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA**

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**CONTRACT FOR CONVEYANCE OF NON-CVP WATER FOR KERN-TULARE WATER
DISTRICT AND RAG GULCH WATER DISTRICT**

**Central Valley Project
Friant-Kern Canal
Tulare County**

FONSI-07-105

Recommended by:

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In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the approval of a Warren Act Contract is not a major federal action that will significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA) Number EA-07-105, *Contract for Conveyance of Non-CVP Water for Kern-Tulare Water District and Rag Gulch Water District*, and is hereby incorporated by reference.

BACKGROUND

Reclamation proposes to execute a one-year Warren Act Contract for 2008 to convey up to 20,000 AF (up to 10,000 AF for Kern-Tulare Water District and 10,000 AF for Rag Gulch Water District) of KTRG's Kern River water and State Water Project (SWP) water available through agreements with Kern County Water Agency (KCWA), into the FKC for direct delivery to KTRG. The term of the Warren Act contract will be the 2008 water year, ending February 28, 2009. KTRG have access to the Friant-Kern Canal (FKC) and have historically requested Warren Act Contracts through Reclamation. The purpose of the Warren Act Contract is to allow KTRG to convey their non-CVP water during water shortages. The Proposed Action will allow direct deliveries to KTRG without requiring an exchange through a facilitating intermediary. The Warren Act (Act as of February 21, 1911, CH. 141 (36 STAT. 925)) authorizes Reclamation to negotiate agreements to store or convey non-CVP water when excess capacity is available in federal facilities.

FINDINGS

Water Resources

Under the Proposed Action, Reclamation will convey the non-CVP water for KTRG in the Friant Division facilities when capacity is available. This will not alter water rights held by the United States to deliver CVP water from the San Joaquin River. The introduction of this non-CVP water into CVP facilities will not cause any significant degradation to water quality; water deliveries are anticipated to be consistent with the water quality standards. The Proposed Action does not involve any construction activities, therefore, the FKC and Cross Valley Canal (CVC) will not be affected by the project, and there will be no significant impacts to water resources.

Land Use

The Proposed Action will not result in increased or decreased water supplies in KTRG that will induce growth or land use changes as both districts are fully built-out and supply no water to customers other than for agricultural use. The conveyance of non-CVP water through CVP

facilities will not contribute to changes in land use. It will be conveyed in existing facilities and canals to existing agricultural lands. No excavation or construction is required to convey the water and no untilled land will be cultivated with this water. Therefore, no changes to land use will occur as a result of the Proposed Action.

Biological Resources

The Proposed Action will not result in an increase of surface water delivered to KTRG. Only the method of conveyance will change. The water will be used to irrigate existing crops. The Proposed Action will sustain existing agricultural lands within KTRG resulting in no effects on listed or other status species. The conveyance of non-CVP water to KTRG will have no effect on species of concern due to the small amount of water involved in the action versus the large amount of water routinely conveyed through the FKC. Additionally, no change in diversions of water from the San Joaquin River will occur as a result of the Proposed Action; therefore, there will be no effects on the delta smelt or any of the primary constituents of its designated critical habitat, or any other listed species.

Cultural Resources

The conveyance of non-CVP water through CVP facilities will not harm any cultural resources. It will be conveyed in existing facilities and canals to existing agricultural lands. No excavation or construction is required to convey the water and no untilled land will be cultivated with this water. Consequently, the undertaking is not a type of activity with the potential to affect cultural resources eligible to the National Register of Historic Places.

Indian Trust Assets

There are no tribes possessing legal property interests held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action. Therefore, there will be no impacts to Indian Trust Assets.

Socioeconomic Resources

The Proposed Action will cause no harm to the quality of the human environment nor have significant adverse effects on public health or safety. KTRG is responsible for obtaining and managing water for the benefit of its landowners in consideration of local economic conditions and employment. Under the Proposed Action alternative, KTRG can rely on its supply of non-CVP water for district operations without the need for a facilitating intermediary. Therefore, there will be no significant adverse social or economic impacts.

Environmental Justice

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action will not disproportionately impact economically disadvantaged or minority populations. There will be no changes to existing conditions. Employment opportunities

for low-income wage earners and minority population groups will be within historical conditions. Disadvantaged populations will not be subject to disproportionate impacts. A Warren Act Contract will continue to allow KTRG to use its non-CVP water for irrigation. Providing the flexibility for KTRG to independently manage its non-CVP water deliveries will be beneficial to stabilizing its district operations from year to year.

Cumulative Impacts

The diversion of non-CVP water by KTRG is currently conducted independently from CVP operations and can occur without a Warren Act Contract. Reclamation has conveyed non-CVP water in CVP facilities for KTRG in the past. The primary cumulative effect is the elimination of the need for a facilitating intermediary to deliver KTRG's non-CVP water to the districts. Non-CVP water will be transported pursuant to a Warren Act Contract and will be distributed using existing conveyance facilities, including the FKC, CVC, and the Kern River and turnouts and distribution facilities within KTRG. The approval will not establish a precedent for future actions. Reclamation has approved the same action for years 2001 to 2007.

Approval will not have highly controversial or uncertain environmental effects or involve unique or unknown risks. Contract approval is not related to other actions with individually insignificant but cumulatively significant environmental effects. Current Reclamation policy only permits temporary Warren Act Contracts at its discretion. Reclamation is under no legal obligation to execute these contracts. As previously noted, the approval to be covered under this Environmental Assessment will be for one year and will be limited to use of this non-CVP water with no resulting land use changes.